

I wanted to bring to your attention a case that came before the [U.S. Supreme Court](#) this week. *Salazar v. Buonocame* about after a federal worker objected to the presence of a cross at the Mojave National Preserve in San Bernardino, CA. The Mojave Desert Veterans Memorial, a seven foot cross, was placed there by the Veterans of Foreign Wars in 1934—not the federal government—to honor our nation’s World War I veterans. Lower courts previously ruled that the placement of the cross on the preserve, which was federal land, violates the Establishment Clause of the First Amendment—the so-called “separation of church and state.” In response and with my support, Congress passed a law in 2004 to correct the lower-court decision by placing the land where the cross stood into private ownership. This action was designed to remove any question about whether the presence of the cross was constitutional. Unfortunately, however, the 9th Circuit Court of Appeals ruled that the legislation did not satisfy their concerns and ordered that the memorial be covered by a plywood box.

The Supreme Court heard arguments from both sides this past Wednesday. Court observers have noted that the Justices may focus on more technical legal issues and not address the underlying question about whether the presence of the cross at the preserve violates the Constitution. With that said, I believe this case is another reminder that our nation’s rich spiritual heritage is oftentimes forgotten or ignored. For several decades now, courts have issued rulings that have fostered an atmosphere of hostility toward religious expression in the public sphere, which I believe is based on a misinterpretation of the Establishment Clause. The Constitution does not compel hostility to faith.

Our founding fathers hired paid chaplains and issued proclamations of Thanksgiving to the Almighty, practices that continue to this day. They also attended Christian worship services in the U.S. Capitol building itself until after the Civil War. Considering these and many other actions, I believe they would be perplexed and dismayed by the notion that spiritual views cannot be displayed in public life simply because a small minority may claim to take offense. Furthermore, the cross at the center of this latest case is a memorial intended to demonstrate our respect and gratitude for those who died in service to this nation, defending and preserving our freedoms - including the right to free speech and religious expression. Our veterans do not deserve to have their memory tarnished by a plywood box.